United States Court of Appeals

for the Second Circuit

APPELLANT'S REPLY BRIEF

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74-2426

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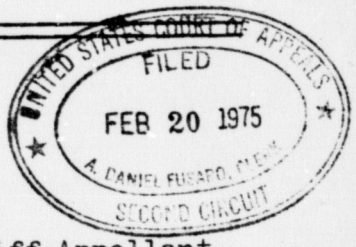
To Be Argued
By Carrie L. Hazzard



UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT
Docket No. 74-2426

CARRIE L. HAZZARD,
Plaintiff-Appellant

v.

CASPAR WEINBERGER, SEYMOUR FIER, BRENDAN BYRNES, WILLIAM F. HYLAND, WILLIAM T. SOMMERS, H. A. McGOWAN, JAMES A. ALLOWAY, JOHN A McGARRITY, JOHN J. SPIELBERGER, MALCOLM WILSON, LOUIS J. LEFKOWITZ, ALBERT D'ANTONI, ROBERT J. BARRECA, FRANK MORGANO, JOSEPH V. TERRENZIO, Dr. E. A. STERN, MARTIN WALTERS, DONALD ALEXANDER, ABRAHAM BEAME, JULES M. SUGARMAN, MARTTIE LOUIS THOMPSON, ROBERT PILLER, W. D. ULLRICH, individually and in their official capacities,
Defendant-Appellees.

B
P/S

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

APPELLANT'S REPLY BRIEF

CARRIE L. HAZZARD
Plaintiff-Appellant Pro Se

Carrie L. Hazzard
15 St. James Place
New York, N. Y. 10038

The plaintiff, CARRIE L. HAZZARD, in answer to the briefs of respondents in the above matter files the following reply brief:

1. The District Court was in error as to dismissing the action against the defendants representing the Social Security Administration. The facts presented to the court proved beyond a reasonable doubt that the plaintiff was under a disability evidenced by medical documentation which was not contested. Those medical documents are exhibits presently

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before this court. The plaintiff suffers from henia, arthritis of the Lumbo Sacral spine, neck shoulders and back strain, arthritis of both arms and injured hip resulting from injuries sustained on October 13, 1968. The plaintiff also suffers from almost chronic indigestion and frequent vomiting, due to the hernia which has been grossly neglected to date. Plaintiff, in support of these facts, directs the court's attention to the case of Budds v. Richardson, cited as 313 F. Supp. 1048 (1970), Hennig v. Gardner, cited as 276 F. Supp. 622 [redacted] 1967.)

Plaintiff maintains that there is no substantial evidence in the record to support the Hearing Examiner's decision or the Appeals Counsel's decision which became the decision of the Secretary of Health, Education and Welfare. 272 F.2d 731.

The plaintiff re-alleges that fraud has been committed against her and the medical documents support these allegations.

The plaintiff cites Casey v. Cohen, 295 F. Supp. 561 (1968) and Soc. Sec. Reg. No. 4 Sec. 404.958, 20 C.F.R. Sec. 404.958 (1968) which provides Good Cause for reopening a determination or decision. "Good Cause" shall be deemed to exist where:

(a) New and material evidence is furnished after notice to the party to the initial determination.

(b) A clerical error has been made in the computation or recomputation of benefits.

(c) There is an error as to such determination or decision on the face of the evidence on which such determination or decision is based.

2. Any person suffering legal wrong because of any agency action or adversely affected aggrieved by such action within the meaning of any relevant statute, shall be entitled.
3. In excess of statutory jurisdiction, authority, or limitations, or short of statutory right.
4. Without observance of procedure required by law.

(E) Scope of review:

So far as necessary to decision and where presented the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions and determine the meaning of applicability of the terms of any agency action. It shall (A) compel agency action unlawfully withheld or unreasonably delayed; and (B) hold unlawful and set aside agency action, findings, and conclusions found to be (1) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

The plaintiff also directs the court's attention to 20 C.F.R. Sec. 404.957 (b) (1968), which is also quoted from same case pg. 564 - 2nd column, 2nd paragraph.

"The secretary, under his rule-making power conferred by 42 U.S.C. A. Sec. 405 (A), has issued regulations which provide that a final decision of the secretary may be reopened" * * * within 4 years after date of the notice of the initial determination * * * upon a finding of good cause for reopening such determination * * * 20 C.F.R. Sec. 404.957 (b) (1968).

The law also states:

"Administrative remedies need not be sought if they are inadequate or applied in such a manner as in effect deny a person his rights thereunder. McCoy v. Greensboro City Bd of Ed., C.A.N.C. (1960), 283

"The assertion of Federal Rights, when plainly and reasonably made, is not to be defeated under the name of local practice."

The claimant was forced to accept welfare for a period of (5) years and has now been placed on the government's program "Supplemental Security Income" (SSI) which is worse than the public assistance program. However (even though) this program names the persons who are eligible for benefits, the blind, disabeled and persons over the age of 65, the plaintiff is not blind, nor is she 65 years of age, therefore, the government has admitted her disability, but refuses to pay her social security or her husband's.

The government has refused to investigate the phoney social security number indicated on her husband's death certificate; also the phoney W-2 Withholding Tax Statement issued by the City of Atlantic, thus causing gross negligence in the payment of widow's disability benefits, etc.

Therefore, due to the foregoing, the District Court, in dismissing her complaint, was in error, was an abuse of discretion, and should be remanded. The Hon. Judge Pollack issued an order. The plaintiff brings this statement to the attention of the court because, although it seems "trivial" now, it will take on important meaning, namely, plaintiff directs the court's attention to page (4) second paragraph of U.S. Atty. Brief which states:

"On April 26 and May 6, 1974 prior to commencing this action, Mrs. Hazzard filed two new applications for benefits with the Social Security Administration. At the time of the District Court's decision in the instant case, no decision on these applications had been rendered. 382 F. Supp. at 228."

The government, as has been its behavior with this claimant during the whole ordeal, has used "definitive" statements, etc/ which is deceiving and erroneous Now the claimant had already (she thought) filed her complaint April 18, 1974 when she spoke to an assistant U. S. Attorney (who was on the case in the District Court, through Dec. 5, 1972 and into 1973 with the appeal). When I told him that I had instituted another suit against the Social Security Administration, he urged me to file another application with the Social Security Administration because my insured status would run out. I said no but he insisted that I would lose out if I did not refile, as he had stated in some of his answering papers to the court in 1972 that certain periods had expired. So, although, I had instituted the present action, I did as he advised me. I didn't do it before, because I felt that it was a trick, now I know this is why he insisted that I refile so that Social Security could legally stall and carry me through the whole harassing process again. I have exhausted my administrative remedies and have been denied and was told to bring them into court. The M. F. Y. Legal Services are responsible for the "time bar" in that they deceived me into believing that they were arranging for me to appear in person before the appeals' counsel and had no intention of doing so. Both attorneys told me that they would arrange for my personal appearance, when the appeals' counsel finally rendered its decision on June (10) of 1971 giving 60 days to bring them into the District Court, They wrote me a letter telling me that they were not going to represent me in the District Court, therefore abandoning me. This is how the time ran out.

I did not know that it would be time barred. I searched for another attorney but could not find any until one day in January of 1972 an attorney told me that I could bring the suit against Social Security myself. That's when I, later in February, instituted it. [redacted] the case was dismissed in District Court.

I appealed; [redacted] I had been granted informa pauperis in the District Court. The government's Asst. U. S. Attorney, Christopher Roosevelt wrote the Judge (Judge Marvin E. Frankel) a letter (after he found out that the judge had signed a document stating in longhand that he was not going to certify) directing him to change his decision and certify. The judge reversed his prior decision, which is in the 1973 records, and certified revoking informa pauperis. The plaintiff did not know that the complaint was still intact. She thought that the whole thing was dismissed because she had pleaded with the court through affidavits, etc. to grant informa pauperis, which they [redacted] denied. She was told to appeal to the U. S. Supreme Court . She did. Certiori was denied. The plaintiff still did not know that the complaint had not been dismissed from the U. S. Court of Appeals For The Second Circuit, and that only the informa pauperis was before the U. S. Supreme Court , which was denied also when the claimant instituted the instant action in the District Court in April of 1974. The U. S. Court of Appeals sent the plaintiff an order dismissing her complaint. [redacted] Plaintiff thought that both complaint and informa pauperis had been before the U. S. Supreme Court. The case was titled Hazzard v. Social Security Administration.

Later when the plaintiff amended her complaint bringing in the Commodore Hotel and other defendants, unknowingly it was treated as a new complaint Hazzard v. Commodore Hotel. I didn't understand this act and brought it to the attention of the court while asking for informa pauperis.

The government has played all kinds of legal tricks on this plaintiff along with obstructing justice under Title 18 of U.S.C.A. Section 1503, etc.

Claimant re-alleges the claims of conspiracy between the federal government, the state of New York and the state of New Jersey under 42 U.S.C.A. 1983 and 1985; 14thAmendment and Amend: 5 of the U. S. Constitution (denial of due process and equal protection of the law.)

The government on pg. 8 Sec. (B) in their Brief states that the claims against defendants-appellees, Spielberger and Alexander are based on tax refunds in part. While there may be a claim for refund on both records (plaintiff's and her husband's) the claimant's dual claims against these defendants are based on conspiracy, perjury, fraud, and obstruction of justice. Both are responsible for the acts of their subordinates. Both claims involving the Internal Revenue Service is a link in a chain of a pattern of conspiracy and the plaintiff has outlined it all completely in her brief to the U. S. District Court which has been transmitted with the whole record to the U. S. Court of Appeals for the Second Circuit (R. Pg.)

The W-2 form of my husband was issued by the City of Atlantic City. These claims are direct violations of Title 33 of Internal Revenue Code, Sec. 6109 (A)(I)(2)(3) which deals with my husband's W-2 form of 1967. It is completely falsified and deliberately omits the employer;s Id number, name and address. It also involves the Social Security

number, and a wrong address at time of death. Therefore, the case should be remanded as against the federal defendants.

The claim under my working earnings indicate a refund of over paid taxes. In other words, Judge Pollack summed it up. He stated to the manager that "he made me pay twice";my withholding taxes were not paid by the managers (2) Paris Hotel and Dixie Hotel. However, I have only brought in the Paris Hotel because of its involvement in this chained conspiracy, which also led to me being illegally fired, personally by the manager, Martin Walters. There is also a claim for refund.

Plaintiff was willing to let Mr. Walters out of this suit and not bring him up on appeal, but at the latter part of his testimony found that he committed perjury. When a person tells a wilfull lie he has something to hide. Plaintiff wants it revealed in court. It has been proven that he is guilty of erroneous records, now he wilfully perjured himself before the court. This should be explored -- another link in the chain of conspiracy. Therefore, he should not be let out of this action. These are all overt acts constituting conspiracy.

The claimant now comes to the defendants-appellees William T. Sommers, H. A. McGowan and the City of Atlantic City.

Page 2 of their Answering Brief, 2nd paragraph recites what they claim to be the facts of this case, and I might add, trying to confuse the issues involved in this case.

First, the plaintiff would like to state to the court that these defendants are evading the real issues that directly involve them and their links to the disability problems

(my individual disability) that I'm having here in New York because of the conspiracy, perjury and fraud that they have perpetrated upon me. These defendants are guilty of also being in collusion with the funeral director of conspiracy to obstruct the due administration of justice.

The plaintiff, to sum up this argument in opposition to the lower court's ruling's being affirmed, maintains as a matter of fact and law that the missing subject blandly omitted, Death Certificate, is the missing piece to the puzzle, the missing ingredient if applied and dealt with will solve this problem (this criminal problem) I might add. The plaintiff is astinished to come to the realization that so-called, "decent people" supposed to be clothed with "integrity" and authority will permit such a criminal act to continue to exist which deprives and destroys an individual whether he's black or white. Plaintiff cites the case of Collins v. Celebrezze, cited as 250 F. Supp. 37 (1966), 1st Column (1) bottom of page under 2. Judgement - 702. 3. Judgement 828 (3.24) Complete 2nd column dealing with/Social Security and Public Welfare, 136 "Social Security Act Secs. 202 (g), 216 (h) (i)(A), 42 U.S.C.A. Secs. 402 (g) 416 (H)(I)(A).

5. ~~Social Security and Publi~~

Judgement 828 (3-32)
Social Security act - 202 (g), 216 (h)(1)(A), 42 U.S.C.A. - 402 (g), 416 (h)(1)(A).

6. Social Security and public Welfare
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Social Security act, - 202 (g) 216 (h)(1)(A), 42 U.S.C.A. 402 (g) 416 (h)(1)(A).

7. Social Security and public Welfare

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"Secretary of Health, Education and Welfare may disregard state court adjudication as to marital status of applicant for mother's benefits only when it is shown that on evidence adduced before him courts of state would refuse to give force and effect to prior adjudication in appropriate proceedings under state law." C.P.L.R. N.Y. Rule 5015 (A), etc.

13. Social Security and public welfare.

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"Payments prescribed by Social Security Act are not gratuities or matters of grace, nor public assistance or welfare payments, but are payments under contributory insurance system.

14. Constitutional Law 103

Social Security and public welfare.

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"In spirit at least, if not strictly and technically, employee who has contributed part of premiums in form of deductions from his wages or salary should be deemed to have vested right to payments prescribed by social security scheme and liberal and broad conception should be placed upon provisions to avoid non-payment.

15. Social Security and public welfare

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"State court determination of marital status shall be measure of federal rights under social security act, except on proof of extraordinary facts and circumstances which would impell state courts to sustain attack upon previous findings." Soc. Sec. Act, 216 (h)(i)(A) 42 U.S.C.A. 416 (h)

This death certificate, indicating in item 17 of marital status of my husband which states that he was "widowed" at the time of his death, is the whole problem which led to the Surrogates court's proceedings, thus, declaring this plaintiff to be legally dead. This is the problem; the state of New Jersey officials have done everything in their power to prevent me from getting this death certificate corrected and the Surrogates court's decision reversed. This, I repeat, is the whole problem, regardless of what the government's attorney says the laws governing social security in this matter is clear and precise. Only the appeals court can deal with this problem and remand it to the proper court below. I have been given the run-a-round as to where the action really belongs in the state of New Jersey. Therefore, the defendants Hon. William T. Sommers, City Comptroller, H. A. McGowan are directly involved in this case and therefore the District Court's order should be reversed and remanded for a fair trial in the substantial interest of justice.

Now the plaintiff replies to the brief submitted by the defendants-appellees Byrnes, Hyland, Alloway, McGarriety and Ullrich.

First, the plaintiff re-alleges that she did file the instant complaint in the U. S. District Court, the office of the pro se clerk on April 18, 1974. The pro se clerk, as he did with many of my papers, filed them or dated them as being filed when he was ready. Some were never filed. I repeat this because of the fact that everyone names the date filed on my papers as to when I brought them in. My complaint was deliberately held up for about

a month unfiled. Any way the complaint was in the court and I thought filed, before I went to the Social Security Administration to correct the application for widow's benefits that Judge Frankel spoke of in his Memorandum Decision and I repeat, the U. S. Attorney, Christopher Roosevelt told me to refile for my own disability insurance benefits; so I did because he stated that the time would expire.

The U. S. Attorney in his brief referred to the amended complaint that the plaintiff asked the court to grant. Now the New Jersey defendants also refer to that amended complaint and the plaintiff thinks that she must respond to this matter. Yes, the plaintiff did file such a motion dated June 16, 1974. I received a postal card sometime in August stating that the amended complaint had been granted by Judge Pollack July 8, 1974 too late to proceed with it because another motion filed by this plaintiff on the same date that the "amended complaint" was supposedly filed, June 16, 1974 asking the court to "Estop" the defendants from stalling, in answer to the complaint, and to grant this plaintiff the privilege of deferring her answer or reply brief until thay all answered including the government, which had (60) days to answer. Plaintiff realleged the nature of the case in brief and included Title 18 of U.S.C.A. Sec. 1503 through 1622. This motion was never filed and on the 19th day of June, 1974 the Judge issued an order adjourning all motions till September 13, 1974.

I checked with the pro se clerk, remembering the motion to amend the complaint. He said that the order included all motions including the amended complaint, so I didn't mention it anymore until I received the post card one day in August (late). I went back to him for it was signed July 8, 1974, by Judge Pollack granting my request, it would interfere with the order handed down by the Judge the parties would not have been served by that time or have the time to answer. I still have the amended complaints for service and the marshal's papers for service. Everything was ready for service, but again my papers were deliberately held back so I could not serve the parties. All of this confusion was arranged and caused by the pro se clerk of the District Court. All was deliberately done. I went to Chief Judge Edlestein's office many times complaining about the trouble I was having with the pro se clerk and the abusive language he used when talking to me. It was all set up. On one or two occassions I carried someone in with me because I did not want to hear his abuses. This was only when there were no witnesses around and it was my word against his. I was told to put in a procedural complaint against him. I hope this answers the questions about the amended complaint. The judge signed the motion to amend July 8, 1974; I received it some time late in August.

The New Jersey defendants insist on making erroneous statements until they are brought to trial and under oath this will continue. In their preliminary statement pg. 2, bottom of page the attorney states:

"Appellant's Notice of Appeal was served on October 25, 1974 and her brief on December 11, 1974 upon the New Jersey appellees."

This is not true. There were two notices of appeal. The first dated Oct. 7, 1974; the appellant delivered it same day; was told to prepare another "continuation affidavit for informa pauperis". The plaintiff was doing what the District Court pro se's office told her so she had that document prepared. That one was dated October 10, 1974 and served upon the defendants. Informa pauperis was revoked after the U. S. Attorney followed his familiar pattern by writing Judge Pollack a letter as he did before asking the Judge to certify; [redacted] The only difference in the instant case is that Judge Frankel, in 1973, had issued a statement in longhand stating he "was not going to certify accordingly the appellant may proceed." In 1973 the U. S. Attorney wrote Judge Frankel a letter, as in the instant case, and I might add, they are almost identical. Judge Frankel, after receiving this letter from the U. S. Attorney, reversed his decision and certified thus, revoking in forma pauperis. Judge Pollack, on receiving his letter from the U. S. Attorney's office by hand, also certified. Plaintiff then immediately on Oct. 21, 1974 took the same notice of appeal which was in the record, paid the filing fee of $5.00 and entered the second notice of appeal, which was the first one because the appeal was not dismissed. Only the informa pauperis was revoked. On going

to the U. S. Court of Appeals For The Second Circuit the plaintiff was told by the staff officials that a notice of appeal was never filed in their office. They told me to check with the pro se's office of the U. S. Court of Appeals For The Second Circuit. I did and was told that there was no record of a notice of appeal. How could the judge revoke the informa pauperis when it was never filed in the U. S. Court of Appeals. The government is playing all kinds of "dirty tricks" on this plaintiff. This last filing of the notice of appeal dated Oct. 21, 1974 is the only one that is on file in the U. S. Court of Appeals which forced me to take money out of the monthly SSI check ($50.00). I was and still am entitled to informa pauperis.

The case of February, 1972 has been misquoted conveniently by all the defendants. Instead of being quoted as "Motion For Joinder and to Amend Complaint" it was titled, "Hazzard v. Social Security." Later claimant filed a Supplemental Complaint titled "Motion For Joinder and To Amend Complaint." In April, 1972 this was given the title by the court "Hazzard v. Commodore Hotel." All of these erroneous statements by these government officials are made to "confuse" this panel of judges. These statements are found on page 5.

The case of Hazzard v. City of Atlantic City, et al. Civ. 1052-71 (D.N.J. Nov. 11, 1971) also page 5 she states that "no appeal was taken from the final judgement" for New Jersey It's true for Judge Cohn in his memorandum opinion

stated on the second page of that decision:

> "It is further ordered that in the event the plaintiff retains counsel in a reasonable time and counsel can convince this court that this order has been improvidently entered, the court will vacate said order."

Plaintiff has not found counsel to come into the court. Therefore, it was a "bar." This is why I haven't been able to get the death certificate corrected and a new one issued, because the New Jersey officials will not let me get it cleared up. They all keep dismissing my case, telling me that I need a lawyer, but they won't appoint one for me and I can't get a lawyer to take the case. Page 5 also states that the state of New Jersey has not waived its sovereign immunity. The law is clear on that it states "when officers administering a state statute act in a manner that exceeds constitutional limits, they have no claim to sovereign immunity." Law students Civil Research Council, Inc., v. Wadmond, D.C.N.Y. 1969, 299 F. Supp. 117.

Felveal v. Bray, D.C. Colo. 1966, 253 F. Supp. 606. In regards to the Res judicato mentioned on pg. 6 see Griffith v. Bank of New York (CCA 2d, 1945) 147 F 2d 899, 160 ALR 1340 and citing as authority Marshall v. Holmes (1891) 141 U.S. 589, 12 S Ct. 62,35 Led 870 and Wells Fargo S Co. v. Taylor (1920) 245 US 175, 41 S Ct. 93, 65 Led 205 pre-Tooey cases sustaining Federal power to enjoin.)

National Ass'n. for Advancement of Colored People v. Gallion, C.A. Ala. 1961, 299, 290 F. 2d 337

Clarifying plaintiff's statements on page 3 of the purported "Amendment To Complaint", 2nd paragraph, 2hd line, "stating the defendants name and title; which gives complete proper service. The Summons and informa pauperis prepared by pro se clerk's office is incomplete, the service being made on individuals rather than government officials and their titles.

The plaintiff intended it to be individually and in their official capacities. It's plain as day. I stated that the pro se's informa pauperis prepared by him was incomplete, rather than government officials and their titles. The plaintiff re-alleges the following that she put forth in her brief to the district court.

A. Is the decedent's "legal domicile" in the state of New Jersey, and B. Will a complete examination of decedent's personal records (City Sanitation Dept., and the withholding statements from the Internal Revenue Service) (from 1946 through 1967 to date of his last paycheck) (cashed by him) including W-2 Withholding Tax Statement of 1967 filed by undertaker, (the administrator of said Estate - appointment February 1, 1968.)

This is the plaintiff's memorandum of Law and Questions deemed pertinent and most necessary to the outcome of this action. These are questions for only a

judge and jury to decide that plaintiff's rights can be protected in and for the interest of "substantial justice."

ANSWER TO MOTION

The plaintiff respectfully directs the courts attention to the motion, Hon. William T. Sommers (Mayer of Atlantic City) and H. A. McGowan (City Comptroller for Atlantic City.) This is an action for damages occasioned by the negligence and malfeasance of these defendants and for compensation payments and for other benefits due to the plaintiff upon the demise of her husband, decedent, Wesley Hazzard.

Defendants, Hon. William T. Sommers (Mayor of Atlantic City) and H. A. McGowan, City Comptroller for Atlantic City contend that service of process upon them outside of New York State was invalid, since they are not residents of the State of New York.

Service of process in accordance with state law upon nonresident defendants in federal actions is authorized by Federal Rules of Civil Procedure, Rule 4 (E), as supplemented by Rule 4 (D) (7). Garbellotto v. Montelido Compagnia Navegacion, S. A. 294 F. 487 (S. D. N. Y. 1969 Farina v. Compagnia Sud America DeVapores, 45 F.R.D. 42 (S.D.N.Y. 1968.)

II

New York State law provides for service of process upon certain nonresident defendants when they have committed a tort outside the state, provided they have certain ties linked to New York. PLR302, 313.

One such instance is a defendant deriving substantial revenue from interstate or international commerce; having committed a tort outside of New York with foreseeable conquences within the state. CPLR302 (A) (3).

III

Plaintiff has alleged in her complaint that the Tourist Haven of Atlantic City and its officials have engaged in a tortious course of conduct which has caused injury (to her.) She has been a resident of New York State throughout the entire ordeal, almost 7 years, and defendants should have known and reasonably expected their wrongful acts to have consequences within New York State.

IV

Former adverse decisions against the plaintiff were based primarily upon the court's opinion that the plaintiff had failed to establish proof of conspiracy and credibility of intent to defraud.

The plaintiff has discovered significant new evidence of wr ngdoing unknown to her at the time of prior hearings, which, when added to previous counts, would make it seem incredible that all of these convenient "errors" could have been honest mistakes and mere coincidences. These matters (being unknown to plaintiff at the time of those prior hearings, and the facts that they were conspired and suppressed from plaintiff . . . fraudulent in nature) could not have been litigated, therefore the rule of res judicata does not apply, pursuant to C.P.A.-522; see also Sec. 5019 (A). It is stated:

"Furthermore, a court possesses inherent discretionary power to vacate its own judgements for sufficient reasons and in the interest of substantial justice, and a separate action in equity may be instituted to vacate a judgement upon such grounds as mistake, or external fraud where there is no adequate remedy at law. It further states:

"The 'fraud' specified in subparagraph 3 may be better extrinsic or intrinsic. The words "misrepresentation or other misconduct of an adverse party", appearing in the federal provision have been retained. The court's inherent power to relieve a party from the operation of a judgement in the interest of substantial justice is not limited in any way by the CPLR.

The whole power of the court to relieve from judgements taken through "mistakes" inadvertence, or excusable neglect, is not limited , but in the exercise of its control over its judgements it may open them upon application of anyone for sufficient reason, in the furtherance of justice.

Its power to do so does not depend upon any statute, but is inherent . Ladd v. Stevenson, 112 N. Y. 325, 332, 19 N. E. 842, 844 (1889.)

The plaintiff's case against each defendant is in measure related to the case against one or more other defendants especially the additional new defendants unknown to plaintiff at the time of prior hearings (and their involvements) therefore a reassessment of the whole complaints is required (prior complaint of Dec. 28, 1970, Feb. 22, 1972) and its amended complaint of April 10,

1972 in light of the increased credibility of conspiracy, so plaintiff re-alleges the fact that res judicata does not apply to the original complaint.

Plaintiff urges the court to exercise its power to "estop" these defendants (all) from using the defense of "barred", by statute of limitations and "res judicata". Pursuant to C:20.

(7) Estoppel to assert statute of limitations it is stated:

"A court, upon well-established principles of equity, estop a defendant whose misconduct makes it unfair for him to "hide" behind the statute of limitations the same applies to re judicata. C206 - Two situations arise: (1) Where the defendant conceals from the plaintiff the fact that he has a cause of action; (2) Where the plaintiff is aware of his cause of action, but the defendant induces him to forego suit until after the period of limitations has expired. In General Stencils, Inc. v. Chiappa, 1966, 18 N.Y.S. 2D 125,272 N.Y.S. 2D 337,219 N.E. CF.CPLR 213 (9):

(1) Concealment. "It now appears to be the rule that where the defendant fraudulently conceals a cause of action, and the plaintiff is not negligent in failing to learn of the wrong, the defendant may be estopped from raising the defense of limitations.

The New Jersey State defendants have constantly resorted to "hide" behind the statute of limitations as to workmen's compensation. When first confronted with this benefit, they (the New Jersey State defendants, quoted "there are no benefits." Now they claim that this benefit, of which I'm entitled, due to the injury my husband sustained on the job, is barred.

New Jersey State Administrative actions amending to correct the death certificate of Wesley Hazzard, Exhibits (C) (D) and (E). Exhibit (D) has two pages and the court will note the date of each issuance. Exhibit (E) has three pages the court will please take special notice of this date for the date stamped on the body of said document (of which the New Jersey defendants have told this court it was issued to me April 7, 1970, when the court can plainly see when it was re-dated and then mailed to me. It was kept in their possession over two years before they mailed it to me on March 13, 1972.

However, it does not cover up the fact that the evidence is clear, "intent to defraud" and of conspiracy with Atlantic City since the corrective action came only after Atlantic County's Surrogates Court has ruled on the fraudulent death certificate to declare the decedent Wesley Hazzard intestate, declare that he was "widowed", and to set up its own administrator over the decedent's estate to collect benefits belonging to decedent from the City, State, and Federal Governments (pension benefits, life insurance, workmen's compensation benefits, and perhaps disability benefits from the Federal Social Security Act.)

It is reasonable to assume that the State of New Jersey defendants are well aware that the Federal Social Security Administration, New York State, and New York City have given "full, faith and credit," to the Atlantic County's Surrogates Court action accepting the original fraudulent death certificate as valid and true, in all points (Art. 4, Sec. 1 of U. S. Constitution) and that because of that overt act, it will take a court order to correct said death certificate, and set aside Surrogates Court action.

The case of People v. Zuccaro, 108 N.Y.S. 2D 97,200 Mis. 4- ; States.

"New York Courts have a duty to give full force and effect to the New Jersey Constitution as well as its public acts such as a statute when validity of such statute is sought to be attacked and not an interpretation construction."

These defendants relied on this statute even though they knew they were committing this tort thus, involving the New York State defendants into this criminal conspiracy against this plaintiff.

NEW EVIDENCE AND NEW DEFENDANTS

(1) At the time of the prior hearings, the plaintiff did not know of the large discrepancy between the W-2 form submitted by the City of Atlantic City to the Internal Revenue Service indicating very little earnings during the last year of his employment that is (the decedent, Wesley Hazzard) and the W-2 form which the City gave me, indicating that plaintiff's husband was almost fully employed during the last year of his life, and so, not eligible for disability status or benefits.

(2) At the time of prior hearings the plaintiff was not aware of the wrongdoing of the Internal Revenue Service in "cover-up" for Atlantic City by silence and by failing to investigate the discrepancy between the W-2 form which the City had submitted to Internal Revenue Service (hereinafter referred to as I.R.S.) and that issued to me after I had shown them my copy and asked for an investigation pursuant to the violations of or under Title 33, Internal Revenue Code, Sec. 6109 (A) (I) (2) and (3).

(3) Sec. (A-1) provides:

"Any person required under the authority of this title to make a return, statement, or other document shall include in such return, statement or other document such identifying numbers as may be prescribed for securing proper identification of such person. I.R.S. knows from the W-2 form plaintiff submitted to John J. Speilberger, investigation was required. They kept silent, concerning the government's earnings record of Wesley Hazzard completely concealing these facts. Therefore, the I.R.S. is a new defendant based on a falsified W-2 form. Decedent's address thereon is incorrect, Social Security number and earnings for 1967 are incorrect, also the fact that City defendants failed to enter employer's name or identifying number, all of which were unknown to the plaintiff, as to the I.R.S. being offenders, during prior hearings. The misdeeds of the new defendants are so related to and interwoven with the misdeeds of the state of New Jersey and the City of Atlantic City defendants, et al, that each strengthens my case against the other, and to erroneously insist that res judicata applies is a disservice to the interest of justice.

PATTERN OF CONSPIRACY

Falsification of death certificate of deceased Wesley Hazzard, falsely described as "widower" falsified statement that he was only in Atlantic City 5 years, falsely linking informant's name with decedent's as Etta Hazzard, when it is in reality Etta Fludd. This concealed the real cause of death, cancer, due to the injury he suctained on his job. He also has "hernia" from lifting

the heavy garbage cans during his employment with the Sanitation Department. This document was deliberately falsified by the agents of the State of New Jersey and the under, Edward O. Goddard, and the Atlantic County Surrogates Court action accepting this falsified document as valid in all points, and thereupon (I repeat) setting up their own administrator to collect his benefits when the City and State officials knew that his spouse was not dead but alive before they proceeded into the Surrogates Court. The City knew that I had been to them inquiring about his benefits. Therefore, they all knew in view of the abandoned property act, or law, 102, 200, 600 Subd. 1(B) 602 Subd. 2, 1404, Subd. 1, 1406, Subd. 3, 700, 703, 707 1400, 1402, 1406, on doctrine of "escheat?"

"Where a person dies without heirs or next-of-kin, his property escheats at his death to the state by cperation of law, and statutes providing therefor make no distinction between realty and personalty" -- In re Martins Will 95 N.Y.S. 2D 260.

"Where a person dies without heirs, his property escheats to the state at once, but there is no escheat unless there are no heirs." Surrogates Court Act, 272: Abandoned Property Law - 200 -- In re Kelly's Estate, 72 N.Y.S. 2D 897,190 Misc. 250.

(1) The requirement that the state proves that a decedent died having no heirs to entitle state to escheat to decedent's estate requires only proof that decedent died leaving no heirs who could be ascertained by such diligence as a reasonably diligent person would exercise in transacting of his own business under similar circumstances. - In re Clark's Estate, 68 N.Y.S. 2D 487,271 app. div. 691. Const.

Art 1 - 10 Abandoned Property Law 200,201, Id. Surrogates Court Act 272: Abandoned Property Law, 200 - Id.

(2) Falsification of health records of Carrie L. Hazzard, plaintiff pro se, by Seymour Fier, Hearing Examiner For the Bureau of Hearings and Appeals S.S.A., who purportedly copied information from the hospital records, conveniently miscopied the number of disabling conditions and the date certified depriving the plaintiff of federal and state disability benefits here in the state of New York and contributing to the "cover-up" of misdeeds of the state of New Jersey and the City of Atlantic City, et al., that there should be no active case of payments made to Carrie L. Hazzard on, or under her own personal working efforts, or as the "widow" of Wesley Hazzard." (Decision of Hearing Examiner, the Metropolitan Hospital's medical report dated Dec. 24, 1968.) There are other documents that were in his possession that this plaintiff does not have.

(3) Falsification of the number of disabilities and the extent of the disabilities of Carrie L. Hazzard by agents of the State Insurance Fund for the State of New York, to deny the plaintiff rightfully due state workmen's disability compensation, addressing the plaintiff (or that is) labeling the plaintiff as a "casual worker", further contributing to the "cover-up" of misdeeds and wrongdoing of the State of New Jersey and of Atlantic City, et al.

(4) Falsification of the work records of Carrie L. Hazzard by the Hotel Paris to refute the truth that the plaintiff was working at the Commodore Hotel as a chambermaid at the time of her injuries and so, disqualifying her from eligibility for state disability payments and further contributing to the "cover-up" of

the misdeeds of the State of New Jersey and the City of Atlantic City, et al. This falsified document also disqualified the fact that plaintiff had worked for the George Washington Hotel, injuring herself again while working there on Dec. 22, 1968.

(5) Falsification of the "re-issued" W-2 form of decedent Wesley Hazzard by the City of Atlantic City, showing Wesley Hazzard as almost fully-employed during the last year of his life and so, not entitled to disability benefits, were as this re-issued W-2 form, given to me (at my request) is in direct conflict with the true W-2 form (or report) originally filed with I.R.S. by the undertaker (who was set up as the administrator) which shows the decedent as having earned very little wages during his last year of life. The agents of the I.R.S. failed their duty to investigate this discrepancy when the plaintiff confronted them with the falsified W-2 form and requested that they investigate, thus contributing to the continuation of the "cover-up." The government's account is very interesting for 1967. However, the whole record is false. The City of Atlantic City has failed to reveal four years of his earnings (1951 through 1954).

IN SUMMARY OF THE CONSPIRACY

From the day that the Surrogates Court of Atlantic County accepted the falsified death certificate of decedent Wesley Hazzard in order to set up its own administrator of the decedent's estate, it became mandatory that a chain of "cover-up" activities would be required of local federal agencies and the sister state of New York and New York City, et al.

The enormity of the wrong cannot erase the evidence that it did happen. The "pattern" of the series of falsifications resulting in benefits denied to a private citizen, which benefits became available to governmental agents or agencies in monies received or retained could not have been merely coincidental to the reasonable observer.

The claimant on basis of the foregoing observations appeals to the court to reverse the decision of the District Court and to remand it back there for trial, on grounds of documentary, substantial prima facie evidence.

The claimant appeals to the court to take notice that the evidence of a pattern of conspiracy places the complaint within the jurisdiction of this court. The New Jersey courts lack jurisdiction over subject matter because the New Jersey defendants failed to cite the claimant, Carrie L. Hazzard, as a

The pattern of conspiracy and "fraud" renders the decree void of Surrogates Court of Atlantic County jurisdiction. In discussing the legal term for domicile (unknown to plaintiff in prior hearings) plaintiff is in possession of such knowledge and states that the decedent was not domiciled in the State of New Jersey, but was domiciled in the State of Florida as well as this plaintiff. He and the plaintiff intended to return to Florida where most of his and her relatives reside after retirement. Circumstances prevented this.

Plaintiff beseeches the court to compel the defendants under "Article 78 of Civil Practice Act" to correct the wrongs that have been done to this plaintiff.

This case is unique as attorneys have pointed out, stating that the court will probably have to exercise its inherent and recommend some form of remedy. I have been to New Jersey twice (to Atlantic City and also to Camden) trying to solve this problem in New Jersey. Every time there is a bar. They don't intend to correct what has been done. The benefits to which I'm entitled are retroactive as of the time of my husband's death and at the time of my disability. The present complaint is for the purpose of opening up the prior adverse decisions which have made certain demands or whatever the court deems just and proper. I have fought for almost 7 years to clear up this situation.

The plaintiff looks to the court for protection of her civil rights.

THE PLAINTIFF REPLIES TO THE BRIEF OF

The New York State defendants requested that the court affirm the decision of the District Court's decision of the plaintiff's complaint upon the grounds of res judicata, blandly ommits the fact that substantial new evidence and additional defendants are included in my present action, as pointed out in my answer to the New Jersey State Defendants, titled "pattern of conspiracy"

This case is based on the deprivation of my "civil rights" while working as a chambermaid in the Commodore Hotel, lifting a bed on October 13, 1968, pain developed in my lower back and abdomen. The plaintiff continued to work not knowing the extent of her injuries and thinking that the condition was only temporary and would disappear by itself, however, treating herself with home remedies

like aspirin and applications of moist heat. The floor that I was working on that particular day was a very heavy section consisting mostly of twin beds. The new people who were sent in from the state employment office to do a day's work were paid more money than the steady maids, therefore, they were given the heavy floors which consisted mostly of checkouts. I had never worked on that floor until that day. However, most of the girls complained of the section's being extremely heavy and also of the Supervisor. My reason for doing days work at that time was because I had been working steady at the Paris Hotel for three years (perhaps about 3 years plus a week or two) all together and had been illegally fired. I was fighting through the administrative procedures of the union (Local 6, Union for Hotels and Motels, et.) I had to work but decided that I would not take a steady job because I felt sure that I would get my job back at the Paris Hotel. However, I didn't because Mr. Walters squashed it with union officials the morning that we were waiting in the outer office of the Impartial Chairmen.

Getting back to the Commodore Hotel and my injuries, I had to work regardless of the pain I suffered because I had borrowed $200.00 from the Bowery Savings Bank. I had heard that the day workers made more money than the regular maids so being in debt, I thought I would try days work while trying to get my regular job back. I started to work at the Commodore Hotel Oct. 9, 1968 and was injured Oct. 13, 1968.

I informed the Supervisor on the floor that I had injured myself. She reported it to the assistant

housekeeper. I was questioned concerning the accident. I related what had happened to me. The assistant housekeeper turned to the Supervisor and said, "You should have dropped a couple of rooms. You gave her too much work." However, it was near the close of the day and no one said anything about compensation or going to the doctor, and of course I didn't know that it was compensatable until much later. I continued to work at the Commodore, because I was not sent to that floor again until Oct. 31, 1968. When I was told to go again to that floor where I had injured myself, I still had the condition and was all inflamed abdominally. I refused to go there telling the housekeeper (the assistant) that I still was sick from the injuries that I had sustained Oct. 13, 1968. The Executive Housekeeper (who drinks whiskey or gin constantly) heard the conversation and called me inside. She told me (being full of whiskey) to either go on that floor, or go home. I told her I could not work on that floor, that I was still sick from the heavy work on that floor, so I went home. I decided to stay off a few weeks and see if I would get better. This was in Nov. 1968. I only worked two days in November, went back to the state employment office in December, 1968. On the 22nd of December, 1968 I strained myself again.. my back and lower abdomen. I casually mentioned it to the housekeeper after work, for she asked me to do her a favor and check some extra floors. She was new on the job and everyone including me was cooperating with her. I haven't been able to work since Dec. 22, 1968. I went to the state employment office on the 23rd, was unable to work and reported the fact that I was sick to the supervisor there at the state employment office. He told me

to go to the Medicaid Office on 34th St.. I did, was accepted, and started to the Metropolitan Hospital for treatments. They took X-Rays and treated me. No one told this plaintiff that she had a "hernia". The state let me exhaust all of my administrative remedies through referee hearings, then a three Board Panel of Judges resulted in a denial of Workmen's Compensation benefits.

Meanwhile, plaintiff had applied for disability Social Security. Both New York State officials and the Social Security Administration denied my claims for disability. The Federal Government also let the plaintiff exhaust all her administrative remedies and also denied federal Social Security benefits.

THE PATTERN OF CONSPIRACY BY NEW YORK STATE DEFENDANTS

As in the case of the New Jersey defendants within its confines the State of New York used its local agencies and private concerns to accomplish its object, to deprive the plaintiff and violate her civil rights:

(1) It is clear from the falsification of plaintiff's work record (and I'm now convinced that the illegal firing of this plaintiff by Martin Walters, Manager of Paris Hotel) was all a pattern of this conspiracy. But first Martin Walters made use of the I.R.S. to strip whatever small bank account I might have had by evidently not reporting withholding tax. They knew from information furnished just how much tax to deduct. This is the reason the form requested by the Workmen's Compensation Board to supply information of the last 8 weeks worked, was totally falsified.

There is also a shortened record requested by the board to be presented to the Appellate Division which is another pattern in the furtherance of the "cover-up". When I sent in these documents, the Board rejected all with the exception of two (2). The document from Metropolitan Hospital indicated the "hernia" Of course at that time I did not know what it meant for the most of it is in symbols and codes. This case is dealing with the New York State defendants and is dealing with the plaintiff's disability which they refused to discuss with me, also the medical documents at the hearing. Their rejection of the medical documents (which would have produced a ruling in my favor) is why I had to resort to the federal courts. Part of my case has been settled. Lawyers have hinted that it is true, that Welfare, the lawyers and others involved in this case have been paid. The reimbursement claim proves it.

(2) If the state had paid me workmen's compensation it would have forced the federal government to pay me. Therefore, they conspired against me saying that (1) I was not under a disability; (2) That I did not get hurt on the job. That is why the falsification of the medical reports was necessary on the part of Seymour Fier, Hearing Examiner for the Bureau of Hearings and Appeals, S.S.A., thus, contributing to the "cover-up". It all ties in with the pattern outlined in the answer to New Jersey State defendants.

The plaintiff asks the court to take notice that the case for conspiracy is weakened, if any vital part of these acts are barred from review. It is the overwhelming pattern of incorrect overt acts, all convenient for the

defendants, all carefully mutually supportive; all, together, devastating to justice for the complainant that convinces the reasonable observer that this is conspiracy, not coincidence.

Will the court please take note again of the chain of events which have resulted in so much injustice, pain and suffering.

May it please the court to find in my behalf in the interest of justice and to compel these defendants through an oral trial if necessary (by judge and jury) to pay to this plaintiff, retroactively benefits owing and due to her and whatever the court deem just and proper, and that your honor will grant a fair hearing for the protection of her civil rights and, or, to find remedy for the injustice which the complainant suffers, to reverse the District Court's decision and remand it back for trial in the interest of justice. "Once a state enters into litigation sovereign immunity is automatically waived." And as to monies being paid from the state's treasury, they have no control over my compensation monies for they're not legally theirs until the case is settled.

Now comes the plaintiff replying to the brief of the New York City appellees, Hon. Abraham Beame, Mayor of New York City; Commissioner Jules M. Sugarman, for the Department of Social Services; Joseph Terrenzio, Commissioner for the Department of Hospitals; and Dr. E. A. Stern, Director of Ambulatory Services are included in the conspiratorial activities that have brought the plaintiff into court.

Mayor Beame, as chief executive officer of the City, is responsible for the deeds and policies of each

and every department of the municipal government. Mayor Beame is responsible for the investigating and to take corrective action where a City Hospital, i. e. Metropolitan supresses and "hides" vital information concerning a patient as relates to health, life and death, including disability benefits. Metropolitan Hospital, a City Hospital, did hide from me my true condition of "hernia" of which, I have been told by hospital officials can be very dangerous in more than one way.

I'm told that it can block the abdominal passage thus causing strangulation. I'm told that delay might result into "cancer". As I stated in my complaint, "cancer is deadly." This is more evidence of a pattern of conspiracy. Had the hospital released the information that the plaintiff suffered from hernia, they would have been forced to operate. This would have forced the government's action:

1. The government would have been forced to see that this death certificate and Surrogates Court business was cleared up. This they don't want to do, so they entered into this conspiracy to hide my condition thus recklessly endangering my life.

2. They would have been compelled to pay disability benefits retroactive from the time disability began.

3. Toxic fumes are being dispensed into my apartment and they have been traced to the maintenance department of housing. I was told by people working on the police force and construction workers how they could be dispensing these fumes into my apartment and how to test as to where or how it was being done. These fumes inhaled keep the inside injury - hernie - aggravated thus, further inducing and forcing a "cancerous" condition. This, too,

is why the plaintiff stated and made allegations to the fact that government is trying to "murder her subtly". Yes, this is all true for there are people living in the buidling, who have witnessed these fumes in my apartment, but who do not want to be involved, if possible. The government (housing) continually denies that this is true and every agency that has been involved has been stopped from doing anything about it. The police police told me that some of the various methods that could be used or applied are:

1. A leaky refrigerator which is true. I had trouble with my refrigerator ever since I moved into this government project. It contaminates my food.

2. They said it could be coming from vents. I tested that theory, found it to be true.

3. They said that it could be coming from the radiator. I tested this, finding that this is the real cause of the fumes or place where they have concentrated their subtle efforts. The construction workers (after I explained to them as best I could) told me that the cause was in the "steam fitter" to the heating pipe. It's broken. The manager has seen this condition telling me that he could do nothing about it. I have been all over various places to every agency. After contacting management who tells them that nothing is going on, these agencies cease to be interested, thus leaving me at the mercy of the people who have planned this "crafty scheme", which is in violation of Sec. 309, 564 - 15-07 of the Health Code.

I have a few letters if the court wishes concerning the efforts made to different agency action centers

Congressman Koch's office to let the court review. Also letters referring to the fact that Comm. Terrenzio knew of the trouble that I was having with the Metropolitan Hospital. I found that it is getting impossible for me to make Xerox copies and many exhibits which I have named and exhibited in this memorandum I have had to omit but will bring into court and as the court directs will present them.

The people make all kinds of excuses but nevertheless I find it difficult to make the copies. That is another way to hinder this proceeding as far as I am concerned.

With the back ailment, and the now admitted "hernia" would have made me eligible for State and Federal disability compensation benefits.

In supressing this information, Metropolitan Hospital, and so New York City, was playing a vital role in the conspiracy to deprive me of my benefits. The plaintiff urges the court to reverse the District Court's decision and remand this case for trial as to New York City appellees in the substantial interest of justice.

The claimant now replies to the brief of defendants-appellees Marttie Louis Thompson, Director for CALS (Community Action for Legal Services, Inc.) and M.F.Y. Legal Services, Inc., and Robert Piller, attorney for M.F.Y. Legal Services, individually and in their official capacities. The plaintiff re-alleges charges of malpractice and conspiracy, abandonment, and denial of and deprivation of my civil rights under 42 U.S.C. Secs. 1983 and 1985, 5th Amendment and Title 7 of the Civil Rights Act of 1964, Sec. (8).

These defendant-appellees abandoned me when the Appeals Council denied my claims for widow's disability Social Security benefits. I thought that widow's benefits were included and my own Social Security disability benefits under my own work efforts. When the Appeals Council denied my benefits, they in turn gave a notice of 60 days to bring a civil action in the District Court.

These defendant-appellees wrote this claimant a letter which is presented in exhibits in this court as well as the District Court telling me that they were bound by the medical reports and that they would not take any further action when both attorneys Schuler and Piller had admitted that there had been a mistake in the Hearing Examiner's decision which would have altered that decision had these attorneys pursued this issue. They failed to do so, abandoned me and left me to struggle to find someone else to pursue the matter, which I never did, not knowing that if this action was not taken within the 60 days, it would be "barred" and they did not tell me. They have prejudiced my case against Social Security therefore they should be responsible for the full amount retroactive and punitive damages sought in this action; cite:

"Under Title 7 of the Civil Rights Statute of 1964, Sec. (8).

Lastly, the claimant wishes to inform the court that defendant-appellees, Robert F. Borreca Inc. claims adjuster and investigator for General Fire and Casualty Co., and Frank Morgano, Hearing Representative for General Fire and Casualty Co, who questioned the claimant in each workmen's compensation hearing, whose name appears on the "Claim for Reimbursement Out of the Special Disability Fund" under Sec. 15, Subd. 8 of the Workmen's Compensation Laws. Neither, at all time since the appeal was commenced in the U. S. Court of Appeals For the Second Circuit failed

to answer, or to respond in any manner to serve pleadings.

Both New York defendant-appellees and the Social Security Administration upon whom my disability benefits rest have failed to present substantial evidence before and to this court to sustain a denial of benefits to this claimant, and have blandly refused to discuss claimant's medical condition as to "hernia". This is why the claimant has based her arguments on conspiracy with the State of New Jersey in connection with the death certificate and its falsification of her husband's marital status which states that her husband was "widowed at the time of his death," and entered into proceedings in the Surrogates Court to that effect.

Therefore, the claimant respectfully beseeches the court to reverse the District Court's decision and to remand this action in its entirety for trial.

Dated: February 3, 1975.

Respectfully submitted,

Carrie L. Hazzard

CARRIE L. HAZZARD
Plaintiff Pro Se
15 St. James Place
New York, N. Y. 10038

STATE OF NEW YORK
COUNTY OF NEW YORK

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 3rd DAY OF February 1975

Louis P. Morrison
NOTARY PUBLIC

LOUIS P. MORRISON
Notary Public, State of New York
No. 31-2781700
Qualified in New York County
Commission Expires March 30, 1975

plaintiff served the State of New Jersey By Certified Mail upon
Hon. William F. Hyland, Esq.
Attorney General for State of New Jersey
to the attn: of Prudence H. Bisbee
State House annex
Trenton, N.J. 08625 at 1:45 P.M.
Feb. 3, 1975

also:
Martin Walters, pro se
150 West End Ave.
New York, N.Y. 10023 - By Certified mail
at 1:45
Feb. 3, 1975

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Louis J. Lefkowitz
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